IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2145 OF 2004
IN
FIRST APPEAL St. NO.18104 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

CORAM : P.V.KAKADE,J.

DATE : 10th DECEMBER,2004

P.C.:

1. Heard the learned counsel for both sides.

2. This is an application for condonation of delay. Though the office note shows that there is delay of 83 days. I am satisfied from the record made available by the applicant that there is only 33 days delay.

3. The reasoning mentioned for delay is that the applicant had to

go to native place for some urgent personal work and also to attend some family function and therefore he could not file the appeal in time. The affidavit filed by Respondent states that the appellant is permanent resident of Uttar Pradesh and is not residing int he suit premises and therefore, the ground mentioned is not sufficient.

4. Having considered all relevant aspect I am of the view that the dispute required to be determined on merits. Moreover, the ground mentioned by the applicant appears to be sufficient. Hence the application is made absolute in terms of prayer clause (a) on condition that the costs of Rs.500/= shall be donated by the applicant to Kirtikar Library within two weeks from the date of this order.

5. Place the appeal for admission after two weeks.